

# KING & SPALDING, LLP

191 Peachtree Street  
Atlanta, Georgia 30303-1763  
Telephone: 404/572-4600  
Facsimile: 404/572-5100  
[www.kslaw.com](http://www.kslaw.com)

## FAX TRANSMITTAL SHEET

RECEIVED  
CENTRAL FAX CENTER

FEB 23 2006

February 23, 2006

TO: U.S. Serial No. 10/773,692

Company:

U.S. Patent and Trademark Office

Fax #: 571-273-8300

City/State:

Alexandria, VA 22313

### Mail Stop Amendment

FROM: W. Scott Petty

0252

Our Ref. #:

06931.105021CON

NUMBER OF PAGES (including transmittal sheet): 10

### CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE ADDRESSEE LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO US.

If transmission problems occur or you are not the intended recipient, please call 404.572.2459 immediately. Thank you.

### Notes/Comments:

#### Documents Submitted Via Facsimile:

Applicant: Tomas Murray

Serial No.: 10/773,692

Filed: February 6, 2004

For: Method and System for Improved Short Message Services

Papers Faxed: Amendment Transmittal (2-pgs.); and Amendment and Response to Non-Final Official Action (7-pgs.)

## PATENTS

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Tomas Murray

Serial No.: 10/773,692

Filing Date: February 6, 2004

Title: Method and System for  
Improved Short Message Services

Art Unit: 3663

Examiner: Tuan C. To

Confirmation No.: 7799

Attorney Docket No. 06931.105021CON

## AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are papers in the above-identified application.

- ☒ Amendment and Response [and Petition for Extension of Time].  
☐ Applicant(s) claim small entity status. See 37 C.F.R. § 1.27.  
☐ An additional fee is not required.  
☐ The additional fee is calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY		LARGE ENTITY	
					RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	17	MINUS	20 =	0	x25	\$	x50	\$0
INDEP.	2	MINUS	3 =	0	x100	\$	x200	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+180	\$	+360	\$
TOTAL ADDITIONAL FEE						\$	\$0	

- ☐ A check in the amount of \$\_\_\_\_\_ is attached.  
☒ The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16, or to credit any overpayment, to Deposit Account No. 11-0980. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, on  
February 23, 2006.

*Kerry L. Broome*  
Kerry L. Broome, Reg. No. 54,004

KING & SPALDING LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
Telephone: 404.572.4600

By: *Kerry L. Broome*

RECEIVED  
CENTRAL FAX CENTER

FEB 23 2006

PATENTS

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Tomas Murray

Serial No.: 10/773,692

Filing Date: February 6, 2004

Title: Method and System for  
Improved Short Message Services

Art Unit: 3663

Examiner: Tuan C. To

Confirmation No.: 7799

Attorney Docket No. 06931.105021CON

## AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are papers in the above-identified application.

- ☒ Amendment and Response [and Petition for Extension of Time].  
☐ Applicant(s) claim small entity status. See 37 C.F.R. § 1.27.  
☐ An additional fee is not required.  
☐ The additional fee is calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY		LARGE ENTITY	
					RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	17	MINUS	20 =	0	x25	\$	x50	\$0
INDEP.	2	MINUS	3 =	0	x100	\$	x200	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+180	\$	+360	\$
TOTAL ADDITIONAL FEE					\$		\$0	

☐ A check in the amount of \$\_\_\_\_\_ is attached.☒ The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16, or to credit any overpayment, to Deposit Account No. 11-0980. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, on  
February 23, 2006.

*Kerry L. Broome*  
Kerry L. Broome, Reg. No. 54,004

KING & SPALDING LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
Telephone: 404.572.4600

By: *Kerry L. Broome*

Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
<b>Tomas Murray</b>	)	
	)	Art Unit: 3663
Serial No.: 10/773,692	)	
	)	Examiner: Tuan C. To
Filing Date: February 6, 2004	)	
	)	Confirmation No.: 7799
Title: Method and System for	)	
Improved Short Message Services	)	

**AMENDMENT AND RESPONSE TO NON-FINAL OFFICIAL ACTION**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the non-final Office Action mailed December 21, 2005, please consider the following claim amendments and remarks.

The Applicant kindly thanks the Examiner for his acknowledgment of the allowability of Claims 2-18 in view of the telephone interview conducted with Applicant's counsel on February 6, 2006. The Examiner rejected Claims 1-18 under 35 U.S.C. § 112 in the present Official Action. In a telephone conference conducted with Applicant's counsel on February 6, 2006, however, the Examiner agreed that the rejections as to Claims 2-18 under Section 112 were improper. More specifically, the Examiner agreed with Applicant's counsel that the language "operative to" does not render the claims indefinite under 35 U.S.C. § 112. Accordingly, Applicant's counsel understands that the Examiner acknowledged in the telephone interview that Claims 2-18 as presently presented are allowable.

I hereby certify that this correspondence is being facsimile transmitted to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Attn: GAU 2683, Facsimile No. (571) 273-8300, on February 23, 2006.

23

W. Scott Petty, Reg. No. 35,625

February 23, 2006  
WSP